

KROVATIN KLINGEMAN LLC

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Attorneys for Petitioner K.R. Services USA, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

K.R. SERVICES USA, LLC

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil Action No. _____

**CERTIFICATION IN SUPPORT OF
PETITION PURSUANT
TO FED. R. CRIM. P. 41(g)**

MICHAEL ELMALEH, of full age, being duly sworn, upon his oath according to law,
deposes and says:

1. I am the manager of Petitioner K.R. Services U.S.A., LLC ("K.R. Services"). I am familiar with the facts set forth herein. I submit this certification in support of K.R. Services' petition for entry of an Order directing the return of certain seized property to Petitioner, pursuant to Federal Rule of Criminal Procedure 41(g).

2. K.R. Services is the sole account holder of Account Number 71047089 at Premier Bank 15301 W. 87th Street Parkway, Lenexa, Kansas (the "Account").

3. On July 21, 2009, the Honorable Mark Falk, U.S.M.J., issued a Seizure Warrant for the "CASH VALUE OF THE CONTENTS OF ACCOUNT NUMBER 71047089

INCLUDING ALL CURRENCY AND MONETARY INSTRUMENTS AS DEFINED BY 18 U.S.C. § 1956(c)(5), PRESENTLY CONTAINED THEREIN HELD IN THE NAME OF K.R. SERVICES AT PREMIER BANK, 15301 W. 8th STREET PARKWAY, LENEXA KANSAS.”

A true copy of the Seizure Warrant is attached hereto as Exhibit A.

4. I was advised by a representative at Premier Bank that proceeds of the Account were turned over to the Federal Bureau of Investigation (“FBI”) on or about July 23, 2009, in accordance with the Warrant. The amount that was turned over in accordance with the Seizure Warrant was \$971,307.25. A copy of K.R. Services account statement at Premier for the period ending July 31, 2009 is attached hereto as Exhibit B and shows a debit of \$971,307.25 reflecting the seizure from K.R. Services account on page 3.

5. More than nine (9) months have passed since the funds in the Account were seized by the FBI. Neither Petitioner nor its counsel has received notice of forfeiture proceedings as to the seized funds. K.R. Services, though counsel, has made repeated requests for the return of seized funds, but they have not been released by the Government.

I hereby certify that the foregoing statements made by me are true. I realize that if any of the foregoing statements by me are false, I am subject to punishment.


MICHAEL ELMALEH

Dated: May 18, 2010

Certification of Facsimile Signature

I hereby certify pursuant to N.J.R. 1:4-4(c) that MICHAEL ELMALEH acknowledged the genuineness of his signature on the within Certification and the Certification or a copy with an original signature affixed will be filed if requested by the Court or a party.

/s/Gerald Krovatin

Gerald Krovatin

KROVATIN KLINGEMAN LLC

Dated: May 18, 2010

Ex. A

Jul 23 2009 8:52AM

HP LASERJET FAX

P. 2

United States District Court

DISTRICT OF NEW JERSEY

In the Matter of the Seizure of

THE CASH VALUE OF THE CONTENTS OF
ACCOUNT NUMBER 71047089 INCLUDING ALL
CURRENCY AND MONETARY INSTRUMENTS AS
DEFINED BY 18 U.S.C. § 1956(c)(5), PRESENTLY
CONTAINED THEREIN HELD IN THE NAME OF
K.R. SERVICES AT PREMIER BANK, 15301 W. 87TH
STREET PARKWAY, LENEXA, KANSAS

SEIZURE WARRANT

CASE NUMBER: 09- 3647

TO: Any Special Agent with the Federal Bureau of Investigation and any Authorized Officer of the United States Affidavit(s) having
been made before me by Special Agent Robert J. Cooke, who has reason to believe that there is now certain property which is subject
to forfeiture to the United States, namely:

THE CASH VALUE OF THE CONTENTS OF ACCOUNT NUMBER 71047089 INCLUDING ALL
CURRENCY AND MONETARY INSTRUMENTS AS DEFINED BY 18 U.S.C. § 1956(c)(5),
PRESENTLY CONTAINED THEREIN HELD IN THE NAME OF K.R. SERVICES AT PREMIER
BANK, 15301 W. 87TH STREET PARKWAY, LENEXA, KANSAS

I am satisfied that the affidavit(s) and any recorded testimony establish probable cause to believe that the property to be seized would,
in the event of conviction, be subject to forfeiture, pursuant to 18 U.S.C. §§ 981 and 982 for violations of 18 U.S.C. §§ 1956 and 1957
and that grounds exist for the issuance of this seizure warrant in that a protective order may not be sufficient to assure the availability
of the property for forfeiture.

YOU ARE HEREBY COMMANDED to seize within 10 days the property specified, serving this warrant and making the seizure (in
the daytime - 6:00 A.M. to 10:00 P.M.) (or any time in the day or night as I find reasonable cause has been established), leaving a copy
of this warrant and receipt for the property seized and prepare a written inventory of the property seized and promptly return this
warrant to Honorable Mark Falk as required by law.

IT IS FURTHER ORDERED that the contents of the account shall consist of all principal, deposits, interest, dividends, and other
amounts credited to the account on and after execution of the warrant up to final liquidation of the account. The Federal Bureau of
Investigation is hereby authorized to effect the seizure of the contents of the account by, in its discretion, directing the financial
institution at which the account is established to do any of the following:

1. To freeze the contents of the account in place and to refuse the withdrawal of any amount from the account by anyone
other than the Federal Bureau of Investigation and United States Attorneys Office and while any contents of the account are frozen in
place to accrue any deposits, interest, dividends, and any other amount credited to the account until the Federal Bureau of Investigation
and United States Attorneys Office directs that the contents of the account be finally liquidated and no contents remain;
2. To liquidate some or all of the contents of the account at one or more times and upon any liquidation of any contents to
turn over the liquidated amount to the Federal Bureau of Investigation. The United States seeks this authorization in order to
maximize the value of the contents seized from the account considering that the account may receive additional proceeds subject to
seizure, be an interest-bearing account, a timed account, an account to which a penalty for early withdrawal applies, or have some other
aspect affecting its value.

7/21/09 at 4:40pm
Date and Time Issued

Honorable Mark Falk, Magistrate Judge
Name and Title of Judicial Officer

at Newark, New Jersey


Signature of Judicial Officer

JUL 23 2009 8:52AM HP LASERJET FAX

P. 1

913-888-6485

FD-448
Revised
10-27-2004FEDERAL BUREAU OF INVESTIGATION
FACSIMILE COVER SHEET

PRECEDENCE

☐ Immediate☒ Priority☐ Routine

CLASSIFICATION

☐ Top Secret☐ Secret☐ Confidential☒ Sensitive☐ Unclassified

TO

Name of Office:

Premier Bank

Facsimile Number:

Date:

07/23/2009

Attn:

Mr. Mark Miller, VP Legal Compliance

Room:

Telephone Number:

913-541-6139

FROM

Name of Office:

FBI, Newark

Number of Pages: (including cover)

Originator's Name:

ADC Rich Pires

Originator's Telephone Number:

973-792-7437

Originator's Facsimile Number:

973-792-7231

Approved:

DETAILS

Subject:

Special Handling Instructions:

If this fax is not received by the individual or unit referenced above - PLEASE HAND DELIVER UPON
RECEIPT - Thank You

Brief Description of Communication Faxed:

Seizure Warrant(s) as attached

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information disclosure, reproduction, distribution, or use of this information is prohibited (18 USC, § 641). Please notify the originator or local FBI Office immediately to arrange for proper disposition.

Ex. B

Monthly Statement(s) for July, 2009

07/31/2009

ACCOUNT:

71047089

K R SERVICES USA LLC
701 BRICKELL AVE STE 1550

<T> 30

MIAMI FL 33131

WHY WAIT FOR THIS STATEMENT? E-STATEMENTS NOT ONLY HELP TO SIMPLIFY
YOUR EVERYDAY BANKING NEEDS, THEY'LL CHANGE THE WAY YOU BANK, FOREVER!
SAME DAY DELIVERY - PASSWORD PROTECTION - WORLDWIDE ACCESS AND. . .
BEST OF ALL - IT'S FREE! SIGN UP TODAY AT WWW.PREMIER-BK.COM.
PREMIER BANK IS PROUD TO BE RECOGNIZED AS A BLUE RIBBON BANK BY
VERIBANC, INC. FOR NINE QUARTERS IN A ROW!

ANALYSIS BUSINESS ACCOUNT 71047089

LAST STATEMENT 06/30/09

1,640,708.76		
MINIMUM BALANCE	83,921.00-	83 CREDITS
18,624,544.78		
AVG AVAILABLE BALANCE	39,978.96	80 DEBITS
20,268,444.14		
AVERAGE BALANCE	632,070.94	THIS STATEMENT 07/31/09
3,190.60-		

- - - - - DEPOSITS - - - - -

REF #	DATE	AMOUNT	REF #	DATE	AMOUNT	REF #
109,116.65	07/01	32,569.61	07/08	153,699.53	07/16	
148,524.00	07/01	159,106.72	07/08	362,764.59	07/16	
172,738.50	07/01	180,420.07	07/08	376,923.69	07/16	
303,894.36	07/01	243,169.40	07/09	93,001.13	07/16	
	07/01	474,597.15	07/09	93,979.44	07/16	

307,808.95	07/01	008020050020	07/09	326,577.08	07/16
361,836.17	07/01	008020030020	07/09	351,307.10	07/16
470,501.02	07/01	008020060020	07/09	496,812.57	07/20
135,596.39	07/02	008020040020	07/09	581,578.35	07/20
306,584.63	07/02	008020030020	07/13	50,835.50	07/20
375,176.78	07/02	008020020020	07/13	60,613.50	07/21
31,225.65	07/06	008020010020	07/13	127,163.11	07/21
121,664.67	07/06	008030010020	07/13	356,942.39	07/21
382,442.89	07/06	008030040020	07/13	447,114.11	07/21
599,517.38	07/06	008030030020	07/14	54,317.31	07/22
135,850.98	07/07	002600030290	07/14	291,370.28	07/22
171,306.87	07/07	008020010020	07/14	432,816.82	07/22
500,065.73	07/07	008020020020	07/15	81,468.67	07/28
185,704.88	07/07	008020020020	07/15	284,866.42	
008020030020	07/08	46,014.00	07/15	396,792.54	
008020010020					

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ACCOUNT:

71047089

07/31/2009

K R SERVICES USA LLC

ANALYSIS BUSINESS ACCOUNT 71047089

- - - - - OTHER CREDITS - - - - -

DESCRIPTION	DATE
AMOUNT	
TRANSFER FROM CASH MANAGEMENT ACCOUNT 71047076	07/01
40,982.11	
INTERNET BANKING FUNDS XFER 700041294	07/02
85,000.00 000700041294	
INTERNET BANKING FUNDS XFER 700081400	07/03
80,000.00 000700081400	
TRANSFER FROM CASH MANAGEMENT ACCOUNT 71047076	07/03
388,133.00	
TRANSFER FROM CASH MANAGEMENT ACCOUNT 71047076	07/07
2,000.00	

MISCELLANEOUS CREDIT		07/07
25,000.00	002600120780	
INTERNET BANKING FUNDS XFER	700153058	07/07
33,680.85	000700153058	
INTERNET BANKING FUNDS XFER	700127773	07/07
95,000.00	000700127773	
INTERNET BANKING FUNDS XFER	700229201	07/08
75,000.00	000700229201	
INTERNET BANKING FUNDS XFER	700225339	07/08
110,000.00	000700225339	
TRANSFER FROM CASH MANAGEMENT ACCOUNT	71047076	07/10
188,613.71		
INTERNET BANKING FUNDS XFER	700210307	07/13
97,377.14	000700210307	
INTERNET BANKING FUNDS XFER	700210315	07/13
192,538.28	000700210315	
WIRE/IN-200919600004;ORG WESTERN CLEARING CORP LLC;REF		07/15
136,912.56	091960000400	
228687		
INTERNET BANKING FUNDS XFER	700051359	07/15
150,000.00	000700051359	
TRANSFER FROM CASH MANAGEMENT ACCOUNT	71047076	07/16
102,974.09		
TRANSFER FROM CASH MANAGEMENT ACCOUNT	71047076	07/17
85,199.24		
INTERNET BANKING FUNDS XFER	700064099	07/20
35,826.67	000700064099	
INTERNET BANKING FUNDS XFER	700064124	07/20
65,000.00	000700064124	
INTERNET BANKING FUNDS XFER	700064190	07/20
500,000.00	000700064190	
INTERNET BANKING FUNDS XFER	700121960	07/21
25,000.00	000700121960	
TRANSFER FROM CASH MANAGEMENT ACCOUNT	71047076	07/22
60,000.00		
INTERNET BANKING FUNDS XFER	700041387	07/22
140,000.00	000700041387	
TRANSFER FROM ****7306 RETURN ITEMS		07/30
3,551.00	0000840000027	
TRANSFER FROM ****7306 FOR RTN ITEM		07/31
60.00	0000880000004	

- - - - - CHECKS - - - - -

CHECK #..DATE.....AMOUNT	CHECK #..DATE.....AMOUNT	CHECK
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#..DATE.....AMOUNT		
*07/23 971,307.25	07/28	500.00
002600080220		

(*) INDICATES A GAP IN CHECK NUMBER SEQUENCE

- - - - - OTHER DEBITS - - - - -

DESCRIPTION	DATE
AMOUNT	
INTERNET BANKING FUNDS XFER 700016707	07/01
1,000.00 000700016707	
INTERNET BANKING FUNDS XFER 700020428	07/01
2,000.00 000700020428	
WIRE/OUT-200918200061;BNF HOTELERA MARIAN SA DE CV	07/01
50,000.00 091820006100	
RETURNED DEPOSIT ITEMS	07/01
196,806.00 001490040081	

WIRE/OUT-200918200062;BNF KR EXCHANGE SERVICES LTD 07/01
 550,000.00 091820006200
 WIRE/OUT-200918200063;BNF KR EXCHANGE SERVICES LTD;OBI 07/01
 650,000.00 091820006300
 INTERNAL COMPANY TRANSFER
 RETURNED DEPOSIT ITEMS 07/02
 4,135.00 001490040071
 MISCELLANEOUS DEBIT 07/02
 200,000.00 002600050680

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ACCOUNT: 71047089

07/31/2009

K R SERVICES USA LLC

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 ANALYSIS BUSINESS ACCOUNT 71047089
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 - - - - - OTHER DEBITS - - - - -
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DESCRIPTION	DATE
AMOUNT	
WIRE/OUT-200918300050;BNF KR EXCHANGE SERVICES LTD;OBI	07/02
800,000.00 091830005000	
INTERNAL COMPANY TRANSFER	
TRANSFER TO CASH MANAGEMENT ACCOUNT 71047076	07/02
1,711,181.52	
RETURNED DEPOSIT ITEMS	07/03
3,110.00 001490040053	
MISCELLANEOUS DEBIT	07/03
25,000.00 002500020240	
TRANSFER TO ****7306 PER SH HOLD	07/03
100,000.00 000084000003	
WIRE/OUT-200918400043;BNF K R EXCHANGE SERVICES LTD	07/03
250,000.00 091840004300	
INTERNET BANKING FUNDS XFER 700081385	07/03
376,951.48 000700081385	
WIRE/OUT-200918400042;BNF KR EXCHANGE SERVICES LTD;OBI	07/03
1,000,000.00 091840004200	
INTERNAL COMPANY TRANSFER	
WIRE/OUT-200918700021;BNF LOUIS C. ARSLANIAN;OBI LEGAL FEES	07/06
8,925.00 091870002100	
RETURNED DEPOSIT ITEMS	07/06
62,179.86 001490040041	
MISCELLANEOUS DEBIT	07/07
52.00 002500010180	
RECLAMATION CASE#0641193	07/07
5,098.00 000088000008	
WIRE/OUT-200918800020;BNF DAMIPA TRADING INC.	07/07
25,000.00 091880002000	
RETURNED DEPOSIT ITEMS	07/07
31,640.10 001490040067	
WIRE/OUT-200918800059;BNF KR EXCHANGE SERVICES LTD;OBI	07/07
1,000,000.00 091880005900	

INTERNAL COMPANY TRANSFER
WIRE/OUT-200918900056;BNF DAMIPA TRADING INC.;OBI INTERNAL 07/08
24,054.55 091890005600
FUND TRANSFER
RETURNED DEPOSIT ITEMS 07/08
47,679.00 001490040047
WIRE/OUT-200918900051;BNF KR EXCHANGE SERVICES LTD;OBI 07/08
1,000,000.00 091890005100
INTERNAL COMPANY TRANSFER
MISCELLANEOUS DEBIT 07/09
244.51 002500010030
RETURNED DEPOSIT ITEMS 07/09
30,100.00 001490040048
TRANSFER TO CASH MANAGEMENT ACCOUNT 71047076 07/09
285,990.85
WIRE/OUT-200919000059;BNF KR EXCHANGE SERVICES LTD;OBI 07/09
500,000.00 091900005900
INTERNAL COMPANY TRASFER
MISCELLANEOUS DEBIT 07/10
483.00 002600131220
RETURNED DEPOSIT ITEMS 07/10
31,001.00 001490040048
WIRE/OUT-200919100059;BNF KR EXCHANGE SERVICES LTD 07/10
400,000.00 091910005900
WIRE/OUT-200919100060;BNF KR EXCHANGE SERVICES LTD;OBI 07/10
1,600,000.00 091910006000
INTERNAL COMPANY TRANSFER
MISCELLANEOUS DEBIT 07/13
36.00 002500050570
MISCELLANEOUS DEBIT 07/13
500.00 002500050590
MISCELLANEOUS DEBIT 07/13
1,000.00 002500050610
RETURNED DEPOSIT ITEMS 07/13
41,244.00 001490040051
WIRE/OUT-200919400049;BNF KR EXCHANGE SERVICES LTD;OBI 07/13
540,000.00 091940004900
INTERNAL COMPANY TRANSFER
RETURNED DEPOSIT ITEMS 07/14
12,760.00 001490040047
MISCELLANEOUS DEBIT 07/14
25,000.00 002600040520
WIRE/OUT-200919500046;BNF KR EXCHANGE SERVICES LTD;OBI 07/14
875,000.00 091950004600
INTERNAL COMPANY TRANSFER
RETURNED DEPOSIT ITEMS 07/15
43,190.51 001490040033

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ACCOUNT:

71047089

07/31/2009

K R SERVICES USA LLC

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- - - - - OTHER DEBITS - - - - -
DESCRIPTION                                     DATE
AMOUNT
WIRE/OUT-200919600073;BNF KR EXCHANGE SERVICES LTD      07/15
250,000.00          091960007300
WIRE/OUT-200919600072;BNF KR EXCHANGE SERVICES LTD;OBI   07/15
825,000.00          091960007200
INTERNAL COMPANY TRANSFER
NON-CONFORMING IMAGE 7/15 FILE                           07/16
40.00              000088000019
MISCELLANEOUS DEBIT                                     07/16
3,000.00          002600090030
MISCELLANEOUS DEBIT                                     07/16
3,770.00          002600090350
INTERNET BANKING FUNDS XFER 700085474                   07/16
5,000.00          000700085474
RETURNED DEPOSIT ITEMS                                  07/16
31,575.00         001490040063
INTERNET BANKING FUNDS XFER 700131054                   07/16
225,000.00         000700131054
WIRE/OUT-200919700043;BNF KR EXCHANGE SESRVICES LTD;OBI 07/16
500,000.00         091970004300
INTERNAL COMPANY TRANSFER
MISCELLANEOUS DEBIT                                     07/17
1,696.70          002600130610
RETURNED DEPOSIT ITEMS                                  07/17
2,793.00          001490040057
INTERNET BANKING FUNDS XFER 700165112                   07/17
44,000.00         000700165112
WIRE/OUT-200919800062;BNF KR EXCHANGE SERVICES LTD      07/17
350,000.00         091980006200
WIRE/OUT-200919800061;BNF KR EXCHANGE SERVICES LTD;OBI 07/17
1,450,000.00       091980006100
INTERNAL COMPANY TRANSFER
MISCELLANEOUS DEBIT                                     07/20
50.00              002500040470
RETURNED DEPOSIT ITEMS                                  07/20
6,782.00          001490040052
WESTERN CLEARING 2536619780                             07/20
218,251.30         003044669966
WIRE/OUT-200920100045;BNF KR EXCHANGE SRVICES LTD;OBI   07/20
650,000.00         092010004500
INTERNAL COMPANY TRANSFERB
MISCELLANEOUS DEBIT                                     07/21
21,534.40         002500010300
RETURNED DEPOSIT ITEMS                                  07/21
26,142.00         001490040089
WIRE/OUT-200920200060;BNF KR EXCHANGE SERVICES LTD;OBI 07/21
745,000.00         092020006000
INTERNAL COMPANY TRANSFER
WIRE/OUT-200920300047;BNF GERRY ANALYTIS                07/22
3,724.88          092030004700
INTERNET BANKING FUNDS XFER 700058889                   07/22
60,000.00         000700058889
RETURNED DEPOSIT ITEMS                                  07/22
60,308.75         001490040055
WIRE/OUT-200920300046;BNF KR EXCHANGE SERVICES LTD      07/22
250,000.00         092030004600

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WIRE/OUT-200920300048;BNF KR EXCHANGE SERVICES LTD;OBI 07/22
 850,000.00 092030004800
 INTERNAL COMPANY TRANSFER
 RETURNED DEPOSIT ITEMS 07/23
 9,600.00 001490040046
 RETURNED DEPOSIT ITEMS 07/24
 21,051.00 001490040060
 RETURNED DEPOSIT ITEMS 07/27
 62,870.00 001490040025
 RETURNED DEPOSIT ITEMS 07/28
 63,160.70 001490040069
 NON-CONFORMING IMAGE ADJUSTMENT 7/15 07/29
 40.00 000088000011
 RETURNED DEPOSIT ITEMS 07/29
 38,123.18 001490040056
 RETURNED DEPOSIT ITEMS 07/30
 3,511.00 001490040063
 SERVICE CHARGE 07/31
 150.00
 SERVICE CHARGE 07/31
 3,100.60

- - - ITEMIZATION OF SERVICE CHARGE PAID THIS PERIOD - - -

TOTAL CHARGE FOR: 150.00

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011 00061 00

PAGE:

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ACCOUNT:

71047089

07/31/2009

K R SERVICES USA LLC

ANALYSIS BUSINESS ACCOUNT 71047089

- - - ITEMIZATION OF NSF PAID AND RETURNED ITEM FEES - - -

	THIS PERIOD	YEAR TO DATE
NSF PAID ITEM FEE:	.00	.00
NSF RETURNED ITEM FEE:	.00	.00
OVERDRAFT FEES:	.00	2.00

- - - - - DAILY BALANCE - - - - -

DATE.....	BALANCE	DATE.....	BALANCE
07/01	3,007,920.01	07/13	1,044,129.57
07/02	1,414,977.92	07/14	909,873.98
07/03	128,049.44	07/15	841,723.66
07/04	21,051.00-		
07/05	83,921.00-		

07/06	1,042,961.39	07/16	2,050,732.40	07/26
38,123.18				
07/07	957,607.26	07/17	287,441.94	07/29
40.00-				
07/08	1,010,275.52	07/20	830,543.11	07/30
.00				
07/09	2,137,195.83	07/21	1,197,717.30	07/31
3,190.60-				
07/10	294,325.54	07/22	980,907.25	

